

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

NINETY-SECOND LEGISLATIVE DAY
MONDAY, APRIL 10, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Darrington, Fulcher, Hill, and Pearce, absent and formally excused by the Chair; and Senator Lodge, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessie McLeod, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 7, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 7, 2006

The JUDICIARY AND RULES Committee reports that Enrolled S 1462, S 1491, S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500 were delivered to the Office of the Governor at 11 a.m., April 7, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 7, 2005

The JUDICIARY AND RULES Committee reports that Enrolled SCR 136 was delivered to the Office of the Secretary of State at 10:56 a.m., April 7, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 10, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Kara Fulcher of Meridian, Idaho, to be Acting State Senator for Legislative District 21.

This appointment is effective Monday, April 10, 2006, and will continue until such time as Senator Russell M. Fulcher is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Russell M. Fulcher, State Senator, District 21, Ada County, State of Idaho, has nominated Kara Fulcher of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 21, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Kara Fulcher, to the office of State Senator, District 21, Ada County, State of Idaho, for a term commencing on Monday, April 10, 2006, and continuing until such time as Senator Russell M. Fulcher is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this tenth day of April, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Kara Fulcher, and she was recorded present at this order of business.

April 10, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Greg W. Moeller of Rexburg, Idaho, to be Acting State Senator for Legislative District 34.

This appointment is effective Monday, April 10, 2006, and will continue until such time as Senator Brent Hill is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Brent Hill, State Senator, District 34, Fremont and Madison Counties, State of Idaho, has nominated Greg W. Moeller of Rexburg, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 34, Fremont and Madison Counties.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Greg W. Moeller, to the office of State Senator, District 34, Fremont and Madison Counties, State of Idaho, for a term commencing on Monday, April 10, 2006, and continuing until such time as Senator Brent Hill is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this tenth day of April, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Greg W. Moeller, and he was recorded present at this order of business.

Messages from the House

April 7, 2006

Mr. President:

I transmit herewith Enrolled **H 869, H 870, H 871, H 872, H 873, H 874, H 875, and H 877** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 869, H 870, H 871, H 872, H 873, H 874, H 875, and H 877** and ordered them returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 10:30 a.m. until the hour of 2:15 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 2:15 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Burkett, Pearce, Langhorst, and Sweet, absent and excused.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

April 10, 2006

Mr. President:

I transmit herewith **HJM 26** which has passed the House.

JUKER, Chief Clerk

HJM 26 was filed for first reading.

April 10, 2006

Mr. President:

I transmit herewith Enrolled **H 673**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 673**, as amended in the Senate, and ordered it returned to the House.

April 10, 2006

Mr. President:

I return herewith **S 1482**, as amended, **SCR 132**, and **S 1492**, as amended, which have passed the House.

JUKER, Chief Clerk

S 1482, as amended, **SCR 132**, and **S 1492**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

HJM 26, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

Senators Langhorst and Sweet were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 10, 2006

The JUDICIARY AND RULES Committee reports that **S 1482**, as amended, **S 1492**, as amended, and **SCR 132** have been correctly enrolled.¹

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1482**, as amended, **S 1492**, as amended, and **SCR 132**, and ordered them transmitted to the House for the signature of the Speaker.

April 10, 2006

The STATE AFFAIRS Committee reports out **HCR 63** with the recommendation that it do pass.

BURTENSHAW, Chairman

HCR 63 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 10, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1300, as amended, as amended in the House, **S 1363**,
as amended in the House, **S 1367**, **S 1370**, **S 1427**,

S 1456, **S 1458**, **S 1459**, **S 1460**, **S 1461**, **S 1463**,
S 1464, **S 1465**, **S 1466**, **S 1467**, **S 1469**, **S 1470**,
S 1471, **S 1472**, **S 1473**, **S 1474**, **S 1475**, **S 1476**,
S 1477, **S 1478**, **S 1479**, **S 1481**, **S 1490**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 63** were suspended and the resolution was placed before the Senate for consideration at this time.

Moved by Senator Stegner, seconded by Senator Malepeai, that **HCR 63** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, Moeller (Hill), Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 28.

NAYS--None.

Absent and excused--Brandt, Burkett, Cameron, Jorgenson, McGee, McKenzie, Pearce. Total - 7.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 63** adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 2:55 p.m. until the hour of 10 a.m., Tuesday, April 11, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary